

**GOVERNMENT OF INDIA
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA**

UNSTARRED QUESTION NO:5497
ANSWERED ON:09.05.2012
CASES REFERRED TO DOPT
Rama Devi Smt. ;Vasava Shri Mansukhbhai D.

Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

- (a) the details of cases referred to Department of Personnel and Training (DoPT) wherein the Ministries/ Departments differed from/did not accept the recommendations of the CVC/CBI during each of the last three years, casewise;
- (b) the decision taken by DoPT so far in these cases, case-wise;
- (c) the details of average time taken in taking decision by DoPT in the above referred cases for final decision; and
- (d) the measures taken by the Government for fast track decision in this regard?

Answer

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office.
(SHRIV. NARAYANASAMY)

(a) & (b): As per instructions dated 28th September, 1978, Department of Personnel & Training is to be consulted before the Ministries/Departments finally decide to differ from/not to accept any recommendations of the Central Vigilance Commission (CVC) in Disciplinary matters in those cases which relate to Gazetted officers for whom appointing authority is the President.

As per instruction dated 13th June 1995 all cases which relate to Gazetted officers for whom the appointing authority is the President and where the CVC advises major penalty and the UPSC favours a minor penalty or recommends exoneration, before the Disciplinary Authority takes a final view, the matter is required to be referred to the Department of Personnel & Training who shall process it as a CVC/UPSC disagreement case.

As per instructions contained in DoPT's OM No. 399/33/2006 -AVD-III dated 6th November, 2006 if the Ministries/Departments concerned proposes not to accept the reconsidered advice of the CVC in the matter of sanction for prosecution, such cases are required to be referred to the DoPT for final decision. This has been recently modified vide DoPT's OM No. 372/19/2012- AVD-III dated 3rd May, 2012 that final decision for grant or denial of sanction for prosecution shall be taken by the Competent Authorities concerned even in cases they decide to differ with CVC's advice after obtaining views of DoPT.

During the last three years and upto 30th April, 2012, the DoPT has tendered advice in 50 cases of disagreement between Disciplinary Authority and CVC in disciplinary matters and in 8 cases of disagreement in sanction for prosecutions. The details of decision taken by DOPT (year-wise) is as under:-

Disciplinary cases

Year	No. of cases	Agreed with CVC	Agreed with DA	Agreed
		With UPSC/DA		
2009	20	5	3	12
2010	15	2	6	7
2011	8	2	3	3
2012 (up to 7 April, 2012)	7	4	1	2
Total	50	13	13	24

DA-Disciplinary Authority

Sanction for Prosecution

Year	No. of cases	Agreed with CVC	Agreed with DA
2009	1	1	
2010	1	1	
2011	4	3	1
2012 (up to 2 April, 2012)	2	2	-
Total	8	6	2

(c): Every effort is made to convey the advice/decision as soon as possible. The decision/advice is given with the approval of the Minister in Charge of this Department, and it is observed that the average time taken is around 2 months in normal course.

(d): The DoOPT has not experienced any administrative delay in deciding such cases. However, to fast track cases of sanction for prosecution, it has been recently decided that the views of DoP&T would be communicated with the approval of Minister of State for Personnel, Public Grievances & Pensions.